

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

LAWRENCE BURLEY and FRANKLYN
JACKSON,

Plaintiffs,

-against-

THE CITY OF NEWBURG, POLICE OFFICER
ROBERT VASTA, POLICE OFFICER
NICHOLAS CARDINALE and UNKNOWN
POLICE OFFICERS 1-5,

Defendants.

x

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure. (Note: all proposed dates are for weekdays.)

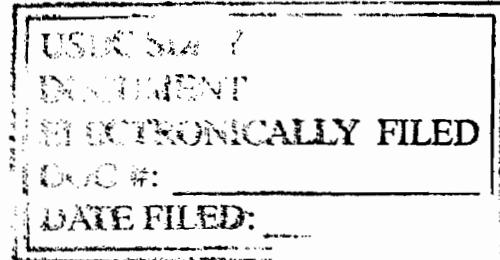
This case is to be tried by a jury.

Joinder of additional parties must be accomplished by October 1, 2007.

Amended pleadings may be filed until October 1, 2007.

Discovery:

1. Interrogatories are to be served by all counsel no later than September 1, 2007, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than September 1, 2007.
3. Depositions to be completed by January 31, 2008
 - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.



- c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than **February 28, 2008**
5. Requests to admit, if any, to be served no later than **October 1, 2007**.
6. Additional provisions relating to discovery agreed upon by counsel for the parties **ARE NOT** attached and made a part hereof.
7. All discovery is to be completed by **April 30, 2008**.

Initial case management conference scheduled for **September 7, 2007** at **10:00 a.m.**

Joint Pretrial Order **IS** required.

This case has been designated to the Hon. George A. Yantthis, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Consent for trial before the Magistrate Judge is **NOT GIVEN** by the parties.

Unless otherwise ordered by the Court, the parties **WILL** commence discovery upon the receipt of this signed Scheduling Order.

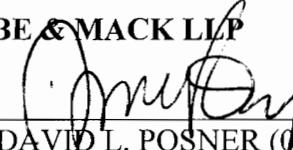
Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

Dated: August ___, 2007

Dated: August 20, 2007

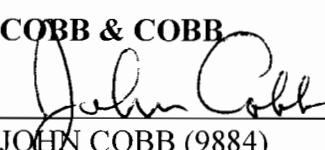
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Dated: Sept. 7, 2007
White Plains, New York

SO ORDERED:



Stephen C. Robinson, U.S.D.J.